

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13678 of 2025

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Wazid Ali, Son of Izrail, Resident of Village Gorabazar, P.S. Ghazipur,
District Ghazipur (U.P).

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Excise, Bihar, Patna.
2. The Principal Secretary, Department of Excise, Bihar, Patna.
3. The District Magistrate, Buxar.
4. The Superintendent of Police, Buxar.
5. The Superintendent of Excise, Buxar.
6. The Officer-in-Charge, Chakki Police Station, District Buxar.
7. The Investigating Officer of Chakki P.S. Case No. 31/25, Chakki Police Station, District Buxar.

... .. Respondents

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Appearance :

For the Petitioner	:	Mr. Ravi Shankar Pathak, Advocate
For the Respondents	:	Mr. Ravi Kumar, AC to GP-13
		Mr. Akshay Lal Prasad, AC to GP-13

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
and
HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

2 17-11-2025 Heard learned counsel for the petitioner and learned AC

to GP-13 for the State.

2. The petitioner in the present case is seeking release
of the vehicle, namely, TVS Raider Motorcycle bearing
Registration No. UP 61AY 7849.

3. Learned counsel for the petitioner submits that the
vehicle in question was stolen away by some unknown persons on
15.09.2024 for which Ghazipur Kotwali P.S. Case No. 611 of
2024 under Section 303 (2) of the Bhartiya Nyay Sanhita (in short



‘BNS’) was registered.

4. Learned counsel submits that it appears from the averments made in the counter affidavit filed on behalf of Respondent Nos. 4 and 7 that the vehicle in question was intercepted with total 67.86 litres of illicit liquor. It is stated in the counter affidavit that at the time of the seizure, the vehicle was not bearing any registration number plate and it was seized based on the description mentioned in the engine number and chassis number.

5. Learned counsel further submits that so far as the theft case is concerned, the respondents have stated in paragraph ‘11’ that it is true that the vehicle was stolen one and this petitioner had lodged Ghazipur (U.P.) Kotwali P.S. Case No. 611 of 2024 in Uttar Pradesh. It is also stated that a confiscation proceeding was recommended and in the requisition, it was mentioned that the vehicle was stolen one.

6. The stand of the respondents further disclosed in the counter affidavit that in the case involving recovery of illicit liquor, final form has been submitted against unidentified driver under Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

7. Learned AC to GP-13 for the State submits that in the confiscation case, the petitioner has already appeared on 12th September, 2025 and filed a time petition. It is submitted that if he



approaches the Confiscation Authority i.e. the District Magistrate, Buxar and files an appropriate application seeking release of the vehicle, the same shall be considered in accordance with law.

8. Having regard to the aforementioned stand of the State respondents, we grant liberty to the petitioner to approach the District Magistrate, Buxar by filing an appropriate application for release of the vehicle. The District Magistrate, Buxar shall consider the application including the fact that the vehicle in question was stolen one and on being satisfied with the matters expressed before him that the vehicle was stolen one, he shall pass order for release of the vehicle. In such circumstance, no penalty shall be realized from the petitioner as he would himself fall in the category of a victim of theft.

9. Let an appropriate order be passed within two weeks from the date of filing of the application by the petitioner.

10. This writ application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

(Jitendra Kumar, J)

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